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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": gender mainstreaming, situations and programmatic matters

Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts

Report of the Secretary-General

Summary

The present report is prepared in response to the request contained in resolution 54/3 of the Commission on the Status of Women on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflict. It is based on contributions from Member States. It also provides information on attention given to issues related to the topic in intergovernmental processes.

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I. Introduction

1. At its fifty-fourth session, in 2010, the Commission on the Status of Women adopted resolution 54/3 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. Recalling its previous resolutions on the topic, the Commission continued to express its grave concern at the continuation of armed conflicts in many regions throughout the world and the human suffering and humanitarian emergencies they cause. The Commission recalled relevant provisions contained in the instruments of international humanitarian law relative to the protection of the civilian population as such, as well as relevant resolutions of the General Assembly and the Security Council, including on the prevention of armed conflict, on women and peace and security and on children and armed conflict.

2. The Commission, inter alia, called for the immediate release of women and children taken hostage, including those subsequently imprisoned in armed conflicts. It urged States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity, fate and whereabouts of women and children taken hostage and to provide safe, unimpeded access to humanitarian assistance for those women and children, in accordance with international humanitarian law. The Commission stressed the need to put an end to impunity and the responsibility of all States to prosecute, in accordance with international law, those responsible for war crimes, including hostage-taking. The Commission invited the special rapporteurs with relevant mandates, as well as the Special Representative of the Secretary-General for Children and Armed Conflict, to continue to address the issue of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. It also requested the Secretary-General and all relevant international organizations to use their capabilities and undertake efforts to facilitate the immediate release of civilian women and children who had been taken hostage.

3. The Secretary-General was requested to submit to the Commission at its fifty-sixth session a report on the implementation of resolution 54/3, including relevant recommendations, taking into account the information provided by States and relevant international organizations. The present report is prepared in response to that request. It is based on information received from Member States. It also provides information on attention given to issues related to the topic in intergovernmental processes.

II. Information from Member States

4. In preparation of the report, a request was sent to Member States to provide information regarding the status of implementation of resolution 54/3. The Governments of the Dominican Republic, Iraq and the Sudan provided information in response to that request.

5. The Government of the Dominican Republic emphasized that it attaches great importance to the eradication of all forms of violence, especially violence against women. Although the Dominican Republic had not experienced armed conflict for four decades, all specialized personnel in charge of protecting civilians in case of conflict and extreme situations must undergo trainings on human rights and

international human rights law. The Government acknowledged the gravity of gender-based violence and its pernicious effects on society. The Ministry of Women collaborates with several government institutions in designing strategies to prioritize women's security and ensure that the justice system and special response units adequately address gender-based violence.

6. The Government of Iraq reported that the issue of hostage-taking as an illegitimate act that violates human rights had been addressed in the Anti-Terrorism Law, No. 13 of 2005, and the Iraqi Penal Code, Law No. 111 of 1969. The Government of Iraq appreciates that every person has the right to enjoy all the rights and freedoms set forth in the international instruments and that children, in particular, are in need of special care and assistance. Iraq is a party to the Convention on the Rights of the Child and the two Optional Protocols thereto and the Geneva Conventions. Pursuant to Law No. 85 of 2011, Iraq acceded to the Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, and deposited the instrument of accession with the Secretary-General. Pursuant to Law No. 17 of 2009, Iraq signed the International Convention for the Protection of All Persons from Enforced Disappearance. The Government of Iraq is continuing to build and strengthen respect for human rights and the rule of law, which represent the most important challenges currently facing Iraq. The Government of Iraq noted that the acts of violence that have taken place since 2003 have contributed to an increase in cases of kidnapping and hostage-taking.

7. The Government of the Sudan stressed that it ascribed great importance to the resolution of armed conflicts. For decades the Sudan has been plagued by armed conflicts, most of which have been resolved through dialogue and peace agreements. In seeking to resolve conflicts, the Government of the Sudan reported that it had exerted considerable efforts to establish the underpinnings of just peace and reduce the impact of conflict on civilians, giving special priority to women and children. Information was provided on legal frameworks for protection, including international instruments to which the Government is a party and national legislation. Articles concerning: unlawful detention; crimes against humanity; the detention of persons or deprivation of their physical liberty by any other means; the detention and forced impregnation of a woman with the intention of influencing the racial structure of any population group; the kidnapping or detention of any person in the name of a State or political organization and approval of or complicity therein; and the prohibition of the detention or taking hostage in any way of any person who is subject to protection are included in the Penal Code. Article 15 (b) of the 2007 Armed Forces Act outlaws the unlawful detention, enforced disappearance or deprivation of the liberty of any person. Article 44 of the 2010 Child Act provides that former child soldiers should be demobilized and reintegrated into society and the economy.

8. The Government of the Sudan reported that it had no record of any women or children having been taken hostage in the areas of armed conflict that are under Government control. The Government coordinates with relevant institutions to ensure the release of women and children that are held hostage in areas under the control of armed movements. Humanitarian assistance is provided for citizens affected by armed conflict by relevant authorities, in coordination with the specialized agencies of the United Nations, the international community and national and international voluntary organizations. A draft policy on the empowerment of women and a National Strategy for the Elimination of Violence

against Women have been formulated. In addition, a number of mechanisms have been established to improve protection of women and children. These include the establishment of family and child protection units managed by the police, a special unit for the elimination of violence against women and children attached to the Council of Ministers and the Security Council resolution 1612 (2005) Working Group on Children and Armed Conflict, which provides for a monitoring and reporting mechanism on children and armed conflict and facilitates systematic dialogue and the exchange of information between the Government and the United Nations on this topic.

III. Attention given to issues related to the topic in intergovernmental processes

9. Since the previous report to the Commission (E/CN.6/2010/5), attention has been given to issues related to the topic of the present report in various intergovernmental bodies, including the General Assembly, the Security Council and the Human Rights Council. This involved, inter alia, analysis of information on enforced disappearances; missing persons; hostage-taking linked to terrorism and maritime piracy; and children and women forcibly recruited into, or abducted by, armed groups; as well as efforts to enhance the protection of civilians in armed conflict, including women and children. The General Assembly, in its resolution 65/283 on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, also noted that hostage-taking still persisted in many parts of the world.

10. The International Convention for the Protection of All Persons from Enforced Disappearance, referenced in resolution 54/3 of the Commission on the Status of Women, entered into force on 23 December 2010. As of October 2011, 90 States had signed the Convention, and 30 had ratified or acceded to it. The establishment of the Committee on Enforced Disappearances marks an important milestone in respect of the protection of persons from enforced disappearances. All States parties are obliged to submit regular reports to the Committee on how those rights are being implemented. The Committee met for the first time in November 2011. The Secretary-General submitted a report on the status of the Convention (A/66/284) to the General Assembly at its sixty-sixth session. In addition, the first observance of the International Day of the Victims of Enforced Disappearances, established by the General Assembly pursuant to its resolution 65/209, was held on 30 August 2011.

11. The fate of missing persons is another issue linked to the subject of the present report that has been discussed in intergovernmental processes since the previous report. The Human Rights Council, in follow-up to its resolution 7/28 on missing persons, which, inter alia, requests States to pay the utmost attention to cases of children and women reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children and women, has continued to call for and receive information on this topic. The issue of missing persons has also been addressed by the General Assembly. In its resolution 65/210 on missing persons, the Assembly requested the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its sixty-seventh session a comprehensive report on the implementation of resolution 65/210, including relevant recommendations.

12. In March 2011, at the request of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights organized a panel discussion on the issue of human rights in the context of action taken to address terrorist hostage-taking (see A/HCR/18/29). Panellists raised concerns about the increasing phenomenon of hostage-taking and emphasized the need to take all measures considered appropriate to ease the situation of hostages and facilitate their release. In 2011, hostage-taking linked to maritime piracy was addressed by both the General Assembly and the Security Council.

13. Special rapporteurs, within their respective mandates, and the Special Representative of the Secretary-General for Children and Armed Conflict have continued to address issues related to the subject of the present report in their reporting in line with the invitation in resolution 54/3 of the Commission on the Status of Women. For example, in her report of 3 August 2011 (A/66/256), the Special Representative of the Secretary-General for Children and Armed Conflict provided details on progress made over the past year, including on awareness-raising, partnership building, information collection and the release of children from armed forces and groups. Information on the release of children from armed forces and groups has also been provided in country-specific reports on children and armed conflict[1] and in the report of the Secretary-General on children and armed conflict (A/65/820-S/2011/250). The latter report noted a growing trend in the detention of children on the grounds of association with armed groups, including threats of violence against or ill-treatment of children for purposes of intelligence-gathering. Concerns linked to violence against women in custody, including sexual violence, have been raised by both the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences (see, for example, A/66/215).

14. The Secretary-General and United Nations entities have, as requested by the Commission in its resolution 54/3, continued to make widely available information and materials related to Security Council resolution 1325 (2000) on women and peace and security and its related resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010). Reports and briefings on progress in the implementation of these resolutions are provided to the Security Council on a regular basis. Reviews have shown that progress in implementation of those resolutions has been uneven. While many national frameworks for protection have been strengthened, serious concerns related to the protection of women and girls in armed conflict remain.

IV. Observations and recommendations

15. **The contributions from Member States to the present report demonstrate their commitment to the strengthening of legal, policy and other frameworks and mechanisms for the protection of women and children. However, the number of responses received from Member States provides only a limited indication of the implementation of resolution 54/3 of the Commission on the Status of Women on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts.**

[1] See, for example: S/2010/36, S/2010/183, S/2010/369, S/2010/577, S/2011/55, S/2011/64, S/2011/241, S/2011/366 and S/2011/413.

16. **At the same time, it is worth noting, as illustrated by the information available, that several new, as well as existing, processes are in place to address and take more determined action on issues such as enforced disappearance, missing persons, hostage-taking and the protection of women and children in armed conflicts. Since the previous report of the Secretary-General, attention has been given to issues relevant to the topic covered in resolution 54/3 in a number of intergovernmental bodies, including the General Assembly, the Security Council and the Human Rights Council. Opportunities could therefore be sought to further expand attention in those processes to prevent and combat acts of hostage-taking and to determine the identity, fate and whereabouts of women and children taken hostage and facilitate their immediate release. The Commission on the Status of Women may thus consider ways to streamline inputs on this topic as part of established contributions to such intergovernmental and expert bodies.**